
HOUSE BILL 2296

State of Washington

55th Legislature

1998 Regular Session

By Representatives Sheahan, Costa and Dunshee; by request of Board for
Judicial Administration

Prefiled 12/23/97. Read first time 01/12/98. Referred to Committee on
Law & Justice.

1 AN ACT Relating to court of appeals consideration of personal
2 restraint petitions; and amending RCW 10.73.140.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 10.73.140 and 1989 c 395 s 9 are each amended to read
5 as follows:

6 If a person has previously filed ~~((a petition for))~~ any personal
7 restraint petition, the court of appeals will not consider ~~((the))~~
8 another petition unless the ~~((person certifies that he or she has not~~
9 ~~filed a previous petition on similar grounds, and))~~ petitioner shows
10 good cause why the court should reconsider any claims raised in a
11 previous petition and why the petitioner did not raise ((the)) any new
12 grounds in ((the)) a previous petition. Upon receipt of a personal
13 restraint petition, the court of appeals shall ~~((review the petition~~
14 ~~and))~~ determine whether the ~~((person))~~ petitioner has previously filed
15 a petition or petitions ~~((and if so, compare them))~~. If ~~((upon review,~~
16 ~~the court of appeals finds that))~~ the petitioner has previously
17 ~~((raised the same grounds for review, or that the petitioner))~~ filed
18 one or more petitions and has failed to show good cause ~~((why the~~
19 ~~ground was not raised earlier))~~, the court of appeals shall dismiss the

1 petition on its own motion without requiring the state to respond to
2 the petition. Upon receipt of ((a first or subsequent)) any petition,
3 the court of appeals shall, whenever possible, review the petition and
4 determine if the petition is based on frivolous grounds. If frivolous,
5 the court of appeals shall dismiss the petition on its own motion
6 without first requiring the state to respond to the petition.

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